

1 15. When contacting Plaintiff on her cellular telephone, Defendant used an
2 automatic telephone dialing system and automatic and/or pre-recorded messages.

3 16. Plaintiff knew Defendant was using an automatic telephone dialing system and
4 automatic and/or pre-recorded messages as an automated message would play when she
5 answered the telephone.

6 17. Defendant's automated messages identified the name of the Defendant.

7 18. Defendant's telephone calls were not made for "emergency purposes."

8 19. In mid April, when the calls began, Plaintiff revoked any consent previously
9 given to Defendant to place telephone calls to her cellular telephone number.

10 20. Defendant heard and acknowledged Plaintiff's revocation of consent and demand
11 to stop calling her cellular telephone number.

12 21. Despite the above, Defendant persisted in calling Plaintiff on her cellular
13 telephone.
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16 **DEFENDANT VIOLATED THE**
17 **TELEPHONE CONSUMER PROTECTION ACT**

18 22. Plaintiff incorporates the forgoing paragraphs as though the same were set forth
19 at length herein.

20 23. Defendant initiated multiple automated telephone calls to Plaintiff's cellular
21 telephone using a prerecorded voice.

22 24. Defendant initiated these automated calls to Plaintiff using an automatic
23 telephone dialing system.

24 25. Defendant's calls to Plaintiff were not made for emergency purposes.
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1 26. Defendant's calls to Plaintiff, after mid April 2015 were not made with
2 Plaintiff's prior express consent.

3 27. Defendant's acts as described above were done with malicious, intentional,
4 willful, reckless, wanton and negligent disregard for Plaintiff's rights under the law and with the
5 purpose of harassing Plaintiff.

6 28. The acts and/or omissions of Defendant were done unfairly, unlawfully,
7 intentionally, deceptively and fraudulently and absent bona fide error, lawful right, legal
8 defense, legal justification or legal excuse.

9 29. As a result of the above violations of the TCPA, Plaintiff has suffered the losses
10 and damages as set forth above entitling Plaintiff to an award of statutory, actual and trebles
11 damages.
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14 WHEREFORE, Plaintiff, BETH WIGHT, respectfully prays for judgment as follows:

- 15 a. All actual damages suffered pursuant to 47 U.S.C. §227(b)(3)(A);
16 b. Statutory damages of \$500.00 per violative telephone call pursuant to 47
17 U.S.C. §227(b)(3)(B);
18 c. Treble damages of \$1,500 per violative telephone call pursuant to 47
19 U.S.C. §227(b)(3);
20 d. Injunctive relief pursuant to 47 U.S.C. §227(b)(3); and
21 e. Any other relief deemed appropriate by this Honorable Court.
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23 **DEMAND FOR JURY TRIAL**

24 PLEASE TAKE NOTICE that Plaintiff, BETH WIGHT, demands a jury trial in this
25

1 case.

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3 **CERTIFICATION PURSUANT TO L.CIV.R.11.2**

4 I hereby certify pursuant to Local Civil Rule 11.2 that this matter in controversy is not
5 subject to any other action pending in any court, arbitration or administrative proceeding.

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7 Respectfully submitted,

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9 Dated: September 4, 2015

10 By: /s/ Amy Lynn Bennecoff Ginsburg
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